

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONTAY RADNEY,
Plaintiff,

v.

METRO POLICE, et al.,
Defendants.

Case No. 2:22-cv-00224-RFB-NJK

REPORT AND RECOMMENDATION

On February 4, 2022, Plaintiff filed an application to proceed *in forma pauperis* and attached a complaint. Docket No. 1. On February 9, 2022, the Court denied without prejudice Plaintiff's application to proceed *in forma pauperis* as incomplete and ordered Plaintiff to either pay the filing fee or file a new, fully complete application by April 8, 2022. Docket No. 3. Plaintiff filed a new application to proceed *in forma pauperis*, which the Court denied without prejudice on March 16, 2022. Docket Nos. 6, 8. The Court gave Plaintiff "one final opportunity to file a fully complete application to proceed *in forma pauperis*." Docket No. 8 at 2. The Court warned Plaintiff that his case would be subject to dismissal without prejudice if he failed to file a fully complete application to proceed *in forma pauperis* or to pay the filing fee by May 16, 2022. *Id.* at 2-3. Plaintiff failed to comply. *See* Docket.

This case cannot proceed without Plaintiff either paying the filing fee or filing a complete motion to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Since Plaintiff failed to do either, his complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021). Moreover, Plaintiff's refusal to comply with the Court's orders is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the

1 Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are
2 unavailable because Plaintiff has refused to comply with the orders of this Court notwithstanding
3 the warning that case-dispositive sanctions may be imposed.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
5 prejudice.

6 Dated: May 26, 2022

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9 Nancy J. Koppe
10 United States Magistrate Judge

11 **NOTICE**

12 This report and recommendation is submitted to the United States District Judge assigned
13 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
14 recommendation must file a written objection supported by points and authorities within fourteen
15 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
16 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
17 F.2d 1153, 1157 (9th Cir. 1991).
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